THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :2216 of 2005

DATED:05-02-2007

G.Sathya Reddy.

..... PETITIONER

AND

The Station House Officer,
Police Station, Aize,
Mahaboobnagar District & another .

.....RESPONDENTS

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ORDER:

Heard the learned counsel for the petitioner as well as the learned counsel appearing for the 2nd respondent, and the learned Government Pleader for Home appearing for the 1st respondent.

2. Petitioner seeks a writ of mandamus declaring the action of the 1st respondent-Station House Officer, police station, Mahaboobnagar, in registering the Cr.No.6 of 2005 dated
17-01-2005 for the offence under Sections 3(1)(x) of the S.C. & S.T. (POA) Act (for brevity, 'the Act') as illegal, arbitrary and unconstitutional.

3. As per the complaint filed by the 2nd respondent the petitioner and two others went to the electricity sub-station at 10.30 p.m., on 15-01-2005 and abused him with his caste name and threatened him for not giving power supply in their lane.

4. It is stated that as per the judgment of this Court in ***K.PADMA REDDY v. STATION HOUSE OFFICER, BELLAMPALLI AND OTHERS***[1] any abuse made in a private place like the chambers of the Municipal Commissioner, within the sub-station does not attract the provisions of the said Act, as it cannot be treated as a public place.

5. I am unable to accept the abovesaid contention as a perusal of the First Information Report goes to show that the petitioner and two

others, namely, Maheswarareddy, and Kumari Eranna, went to the sub-station on 15-01-2005 at 10-30 p.m., and on asking them who is the operator the 2nd respondent herein came out of the sub-station and when the 2nd respondent came out of the sub-station they asked him as to why the electricity power was not given for which he replied that he has already given power supply to their lane at 10.30 p.m., itself but without hearing his reply all the three persons beat him with their chappals by chasing him and also scolded him by his caste name. The said incident was witnessed by the watchman-Hanumanthu and one Obulesh. Therefore, I am of the opinion that if the said allegation is proved it constitutes an offence punishable under Section 3(1)(x) of the Act. However, there are no merits in this writ petition.

6. Accordingly, the writ Petition is dismissed. No order as to costs.

V.ESWARAIAH,J

05th February, 2007.
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[1] 2003(2) ALD (CRL) 421 (AP)